

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Margaret Singleton,)
)
Plaintiff,)
) Civil Action No. 2:18-1254-BHH
v.)
)
Wal-Mart Stores, Inc., Wal-Mart Stores)
East LP, and Wal-Mart Vision Center,)
)
Defendants.)
)

ORDER

This matter is before the Court upon Plaintiff's complaint against Defendants, which was removed to this Court on May 7, 2018, on the basis of diversity jurisdiction. On May 30, 2018, Plaintiff filed a motion to remand the case to state court, alleging that the amount in controversy does not exceed the value required for jurisdiction in this Court.

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review. On June 18, 2018, the Magistrate Judge issued a Report and Recommendation ("Report") outlining the issues and recommending that the Court grant Plaintiff's motion. In the Report, the Magistrate Judge determined that Plaintiff's post-removal stipulation that she will not and cannot recover damages in excess of \$75,000.00 made it clear that the total amount in controversy does not exceed the jurisdictional requirement. Attached to the Report was a notice advising the parties of their right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Defendants have not shown that the amount in controversy exceeds the amount required for this Court to exercise jurisdiction.

Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 10) and grants Plaintiff’s motion to remand this case to the Court of Common Pleas for Charleston County, South Carolina (ECF No. 8).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
Bruce Howe Hendricks
United States District Judge

July 6, 2018
Charleston, South Carolina

